

HOUSE BILL 1702

E3, F1

8lr3665
CF SB 1147

By: **Washington County Delegation**

Introduced and read first time: February 16, 2018

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Juveniles – Reportable Offenses**

3 FOR the purpose of making it mandatory for a certain local superintendent of schools or
4 school principal to transmit certain information concerning the arrest of a student
5 for a certain reportable offense or offense related to the student’s membership in a
6 criminal gang and the disposition of a certain offense as a confidential file to the local
7 superintendent of another school in the State in which the student has enrolled or to
8 which the student has been transferred for certain purposes under certain
9 circumstances; requiring the Department of Juvenile Services to notify a certain
10 local superintendent of schools or school principal of a certain student’s arrest for a
11 reportable offense and the disposition of the reportable offense; making certain
12 conforming changes; and generally relating to juveniles and reportable offenses.

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 7–303
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2017 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Education**

21 7–303.

22 (a) (1) In this section the following words have the meanings indicated.

23 (2) “Criminal gang” has the meaning stated in § 9–801 of the Criminal Law
24 Article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) “Law enforcement agency” means the law enforcement agencies listed
2 in § 3–101(e) of the Public Safety Article.

3 (4) “Local school system” means the schools and school programs under the
4 supervision of the local superintendent.

5 (5) “Local superintendent” means:

6 (i) The county superintendent, for the county in which a student is
7 enrolled, or a designee of the superintendent, who is an administrator; or

8 (ii) The superintendent of schools for the:

9 1. Archdiocese of Baltimore;

10 2. Archdiocese of Washington; and

11 3. Catholic Diocese of Wilmington.

12 (6) “Reportable offense” means:

13 (i) A crime of violence, as defined in § 14–101 of the Criminal Law
14 Article;

15 (ii) Any of the offenses enumerated in § 3–8A–03(d)(4) of the Courts
16 Article;

17 (iii) A violation of § 4–101, § 4–102, § 4–203, or § 4–204 of the
18 Criminal Law Article;

19 (iv) A violation of §§ 5–602 through 5–609, §§ 5–612 through 5–614,
20 § 5–617, § 5–618, § 5–627, or § 5–628 of the Criminal Law Article;

21 (v) A violation of § 4–503, § 9–504, or § 9–505 of the Criminal Law
22 Article;

23 (vi) A violation of § 6–102, § 6–103, § 6–104, or § 6–105 of the
24 Criminal Law Article;

25 (vii) A violation of § 9–802 or § 9–803 of the Criminal Law Article;

26 (viii) A violation of § 3–203 of the Criminal Law Article;

27 (ix) A violation of § 6–301 of the Criminal Law Article;

28 (x) A violation of § 9–302, § 9–303, or § 9–305 of the Criminal Law
29 Article;

1 (xi) A violation of § 7–105 of the Criminal Law Article;

2 (xii) A violation of § 6–202 of the Criminal Law Article; or

3 (xiii) A violation of § 10–606 of the Criminal Law Article.

4 (7) “School principal” means the principal of the public or nonpublic school
5 in which a student is enrolled, or a designee of the principal, who is an administrator.

6 (8) (i) “School security officer” includes a school principal, another
7 school administrator, a law enforcement officer, or other individual employed by a local
8 school system or a local government who is designated by the county superintendent or a
9 school principal to help maintain the security and safety of a school.

10 (ii) “School security officer” does not include a teacher.

11 (9) “Student” means an individual enrolled in a public school system or
12 nonpublic school in the State who is 5 years of age or older and under 22 years of age.

13 (b) If a student is arrested for a reportable offense or an offense that is related to
14 the student’s membership in a criminal gang, the law enforcement agency making the
15 arrest:

16 (1) Shall notify the following individuals of the arrest and the charges
17 within 24 hours of the arrest or as soon as practicable:

18 (i) The local superintendent;

19 (ii) The school principal; and

20 (iii) For a school that has a school security officer, the school security
21 officer; and

22 (2) May notify the State’s Attorney of the arrest and charges.

23 (c) The State’s Attorney shall promptly notify either the local superintendent or
24 the school principal of the disposition of the reportable offense required to be reported under
25 subsection (b) of this section.

26 (d) Except by order of a juvenile court or other court upon good cause shown, the
27 information obtained by an individual pursuant to subsections (b) [and], (c), AND (F) of
28 this section:

29 (1) Is confidential and may not be redisclosed by subpoena or otherwise
30 except as provided pursuant to subsections (e) and [(f)] (G) of this section; and

1 (2) May not be made part of the student's permanent educational record.

2 (e) (1) Notwithstanding the provisions of subsection (d) of this section,
3 [nothing shall prohibit] a local superintendent or school principal [from transmitting]
4 **SHALL TRANSMIT** the information obtained pursuant to subsections (b) [and], (c), **AND (F)**
5 of this section as a confidential file to the local superintendent of another public school
6 system in the State or another nonpublic school in the State in which the student has
7 enrolled or been transferred in order to carry out the purposes of this section if the
8 disposition of the reportable offense was a conviction or an adjudication of delinquency or
9 the criminal charge or delinquency petition is still pending.

10 (2) A local superintendent or school principal who transmits information
11 about a student under this subsection shall include in the transmittal information
12 regarding any educational programming and related services provided to the student.

13 **(F) FOR A STUDENT COMMITTED TO THE CUSTODY OF THE DEPARTMENT**
14 **OF JUVENILE SERVICES, THE DEPARTMENT SHALL NOTIFY THE LOCAL**
15 **SUPERINTENDENT AND THE SCHOOL PRINCIPAL OF A SCHOOL IN WHICH THE**
16 **STUDENT HAS ENROLLED OR TO WHICH THE STUDENT HAS BEEN TRANSFERRED OF**
17 **THE STUDENT'S ARREST FOR A REPORTABLE OFFENSE AND THE DISPOSITION OF**
18 **THE REPORTABLE OFFENSE.**

19 **[(f)] (G)** The State Board shall adopt regulations to ensure that information
20 obtained by a local superintendent, a school principal, or a school security officer under
21 subsections (b), (c), **[and] (e), AND (F)** of this section is:

22 (1) Used to provide appropriate educational programming and related
23 services to the student and to maintain a safe and secure school environment for students
24 and school personnel;

25 (2) Transmitted only to school personnel of the school in which the student
26 is enrolled as necessary to carry out the purposes set forth in item (1) of this subsection;
27 and

28 (3) Destroyed when the student graduates or otherwise permanently
29 leaves school or turns 22 years old, whichever occurs first.

30 **[(g)] (H)** (1) Except as otherwise provided in paragraph (2) of this subsection,
31 the local superintendent and the school principal shall consider prohibiting a student who
32 is arrested for a reportable offense involving rape or a sexual offense from attending the
33 same school or riding on the same school bus as the alleged victim of the reportable offense
34 if such action is necessary or appropriate to protect the physical or psychological well-being
35 of the alleged victim.

36 (2) If a student is arrested for a reportable offense involving rape or a
37 sexual offense and is convicted of or adjudicated delinquent for the rape or sexual offense,

1 the student may not attend the same school or ride on the same school bus as the victim.

2 **[(h)] (I)** Nothing in this section is intended to limit the manner in which a local
3 school obtains information or uses information obtained by any lawful means other than
4 that set forth in subsections (b), (c), **[and] (e), AND (F)** of this section.

5 **[(i)](J)** Each public school that enrolls students in grades six through twelve in
6 the State shall designate at least one school security officer.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2018.